

REMARKS

Claims 1-14 and 16-51 are pending in the application. All pending claims have been rejected under 35 USC 103(a) as being unpatentable over Anderson (USP 6,442,600) in view of Smith et al. (USP 6,282,564).

The Anderson reference was filed on January 15, 1999 and was issued on August 27, 2002. Therefore, this reference is being cited as 102(e) art and is thus eligible to be overcome based upon an affidavit or declaration from an inventor pursuant to 37 CFR 1.131. See MPEP Section 715.

The November 17, 2005 Office Action noted that the Declaration submitted in a previous Response failed to include the signature of Ashok Saxena and does not show that the apparatus existed and worked for its intended purpose. Both the Examiner and Mr. Pinchus Laufer are gratefully thanked for speaking with the undersigned attorney regarding the contents of the previous Declaration. Attached to this Response is a new Declaration of Sashikanth Chandrasekaran and Ashok Saxena Under 37 C.F.R. Section 1.131 which has been drafted in accordance with guidance provided by Mr. Laufer.

The attached Declaration includes the signatures of both named inventors, Sashikanth Chandrasekaran and Ashok Saxena. In the Declaration, Mr. Chandrasekaran and Mr. Saxena attest to the fact that the claimed invention was actually reduced to practice prior to the effective date of the Anderson reference. Photocopied exhibits of records (Design Specification) relating to the conception, development, and reduction to practice of the claimed subject matter is attached to the Declaration.

The attached Declaration also includes numerous documents that show that the claimed invention actually existed and worked for its intended purpose. Exhibits to the Declaration describe a script that provides test implementation of multiple consumer queues based upon the subject invention. Additional test scripts perform regression testing of the invention using the test implementation of the multiple consumer queues. Also attached as exhibits to the Declaration are testing output files that show successful results of the regression testing which show that the invention worked for its intended purpose prior to the date of the Anderson reference.

For at least this reason, it is respectfully submitted that Anderson cannot be used to anticipate or render obvious the claimed subject matter. Therefore, the combination of Anderson and Smith cannot be used to render the pending claims obvious. Moreover, it is respectfully noted that Applicants do not acquiesce in the basis of the rejection, e.g., because there is insufficient motivation to combine the cited references to arrive at the claimed subject matter and that even if a combination is made, the resulting combination does not include all elements of the claimed invention.

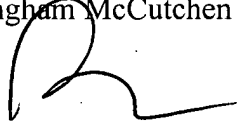
CONCLUSION

Based on the foregoing, all remaining claims are believed allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7011472001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7011472001**.

Respectfully submitted,
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